

### **III. Remarks**

#### **A. Status of the Application**

Claims 2, 9-13, 15, 16, 26, 27, 30-33, and 35-40 are pending. No claims are added or canceled by the present paper. Reconsideration of the application is respectfully requested in light of the following remarks.

#### **B. Double Patenting Rejections**

Claims 2, 9, 26, 27, 30-33, and 35-40 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting over claims 101-103, 106-110, 112, and 113 of copending U.S. Patent Application No. 09/924,298. A terminal disclaimer is filed herewith. Accordingly, Applicants request that the provisional double patenting rejection of claims 2, 9, 26, 27, 30-33, and 35-40 be withdrawn. Further, as no rejection of claims 10-13 was set forth in the Office Action, Applicants submit that all of the pending claims are in condition for allowance.

#### **IV. Conclusion**

It is believed that all matters set forth in the Office Action have been addressed and that all of the pending claims 2, 9-13, 15, 16, 26, 27, 30-33, and 35-40 are in condition for allowance. Thus, a formal notice of allowance is respectfully requested.

Should the Examiner deem that an interview with Applicant's undersigned attorney would expedite consideration of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

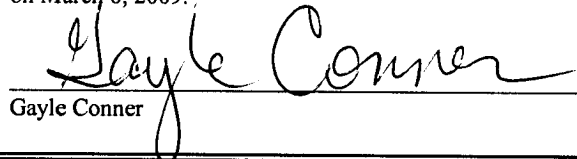


Gregory P. Webb  
Registration No. 59,859

Dated: March 6, 2009  
HAYNES AND BOONE, LLP  
Customer No. 46333  
Telephone: 972/739-8641  
Facsimile: 214/200-0853  
R-223263\_1.DOC

#### **Certificate of Service**

I hereby certify that this correspondence is being deposited with the U.S. Patent and Trademark Office via EFS-Web on March 6, 2009.

  
Gayle Conner